

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 24, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00091
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	1545A Merivale Inc.
Property Address:	1545A Merivale Road
Ward:	9 – Knoxdale - Merivale
Legal Description:	Part of Lot 16, Registered Plan 353 and Part of Lot 34, Concession A (Rideau Front), former Geographic Township of Nepean
Zoning:	AM10
Zoning By-law:	2008-250
Heard:	May 14, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner/Applicant wants to construct a one-storey medical imaging facility, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced parking space rate of 3.04 spaces per 100 square metres of gross floor area, or 78 parking spaces, whereas the By-law requires a minimum parking space rate of 4 spaces per 100 square metres of gross floor area of a medical facility, or 103 parking spaces in this case.
 - b) To permit a reduced landscape buffer of 1.2 metres for a parking lot, whereas the By-law requires a minimum landscape buffer of 1.5 metres.
 - c) To permit a reduced number of vehicle loading spaces of 0, whereas the By-law requires a minimum of 2 vehicle loading spaces.
- [3] The property is also the subject of a Site Plan Control application (File No. D07-12-22-0190) under the Planning Act.

PUBLIC HEARING

Oral Submissions Summary

- [4] Pam Whyte, Agent for the Applicant, provided a brief presentation and referred the Committee to the site plan on file. Ms. Whyte highlighted that a traffic impact assessment had concluded that 75 onsite parking spaces would be suitable for the proposed medical imaging facility. She also noted that the landscaped buffer was proposed to be reduced in favour of an interior landscaped island that would accommodate tree planting, and that deliveries to the medical facility would be infrequent and conducted by couriers, who would park in the drive aisle.
- [5] City Planner Samantha Gatchene confirmed that the City had no concerns with the application. Ms. Gatchene acknowledged that the site is constrained and explained that staff are satisfied by the conclusions of the traffic impact assessment and the Applicant's willingness to adapt the design to address the City's comments regarding landscaping and planting.
- [6] Ms. Whyte responded to a question from the Committee and explained that the option of providing underground parking was not pursued for economic reasons.
- [7] The Committee also heard oral submissions from N. Wilson and J. Prot of the City View Community Association, who raised concerns with the adequacy of the proposed parking and its impact on spillover parking into the surrounding community, as well as traffic flow.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application(s) Must Satisfy Statutory Four-Part Test

- [9] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Evidence

- [10] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 8, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 10, 2024, with no objections.
- Ontario Ministry of Transportation email received April 30, 2024, with no comments.
- City View Community Association email received May 14, 2024, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] Based on the evidence, the majority of the Committee (Member J. Wright dissenting) is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] Considering the circumstances, the majority of the Committee finds that, because the proposed medical facility does not fit well in the area due to deficient parking and the distance to public transit, the requested variances are not desirable, from a planning and public interest point of view, for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [14] In addition, the majority of the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal fails to provide adequate parking to support the intended use, and therefore the proposal does not represent orderly development of the site.
- [15] Moreover, the majority of the Committee finds that the requested variances, both individually and cumulatively, are not minor and would create an unacceptable adverse impact on clients and visitors to the proposed medical facility.
- [16] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Dissent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **MAY 24, 2024**



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **JUNE 13, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

Ce document est également offert en français.

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